



United States Department of the Interior  
Office of Hearings and Appeals  
Interior Board of Land Appeals  
801 N. Quincy St., Suite 300  
Arlington, VA 22203

703-235-3750

703-235-8349 (fax)

May 15, 2017

IBLA 2017-135, <i>et al.</i>	)	E14-001, <i>et al.</i>
	)	
TGS, <i>ET AL.</i>	)	Offshore Oil & Gas Exploration
	)	Permit Application Denials
IBLA 2017-140	)	
	)	
ION/GX TECHNOLOGY	)	Motion for Remand Granted;
CORPORATION	)	Set Aside and Remanded

ORDER

On March 2, 2017, TGS and the International Association of Geophysical Contractors (IAGC) (IBLA 2017-135), WesternGeco LLC and IAGC (IBLA 2017-136), CGG Services (U.S.) Inc. and IAGC (IBLA 2017-137), Spectrum Geo Inc. and IAGC (IBLA 2017-138), MultiKlient Invest AS and IAGC (IBLA 2017-139), and Ion/GX Technology Corporation (IBLA 2017-140) appealed from January 6, 2017, decisions issued to them by the Bureau of Ocean Energy Management (BOEM). In those decisions, BOEM denied the appellants' respective permit applications to conduct airgun seismic surveys for oil and gas reserves on the Atlantic Outer Continental Shelf (OCS). BOEM denied the permit applications because it determined that geological and geophysical data on the Atlantic OCS using an airgun instrument was unnecessary. As a basis for its determination, BOEM relied on a January 5, 2017, memorandum issued by BOEM's Director. For the reasons set forth in that memorandum, the Director required the bureau to deny all pending applications to conduct airgun seismic surveys.

We have received four motions to intervene from various conservation groups and nonprofit environmental organizations.<sup>1</sup> We have not yet ruled on those motions.

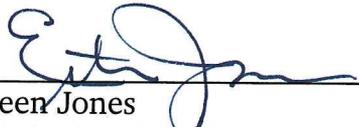
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<sup>1</sup> Natural Resources Defense Council, Inc., North Carolina Coastal Federation, South Carolina Coastal Conservation League, One Hundred Miles, Defenders of Wildlife, and Center for Biological Diversity, Motion to Intervene filed May 1, 2017; Oceana, Inc., Motion to Intervene filed May 1, 2017; Business Association for Protecting the Atlantic Coast, Motion to Intervene filed May 5, 2017; Surfrider Foundation, Motion to Intervene filed May 8, 2017.

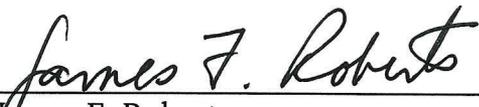
On May 10, 2017, and, as directed by the current U.S. President and by the Secretary of the Interior,<sup>2</sup> BOEM's Acting Director rescinded the bureau's January 5, 2017, memorandum.<sup>3</sup>

On May 12, 2017, counsel for BOEM filed with the Board a Motion for Remand. Counsel moves the Board to remand appellants' appeals back to the bureau because permitting airgun seismic surveys is no longer prohibited and BOEM now seeks to adjudicate appellants' permit applications. Counsel represents that counsel for appellants does not oppose the Motion. Based on circumstances presented, we grant BOEM's Motion for Remand.<sup>4</sup>

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior,<sup>5</sup> we set aside BOEM's January 6, 2017, decisions, remand the matters back to the bureau for further consideration, deny all pending motions to intervene as moot, and remove these appeals from our docket.

  
\_\_\_\_\_  
Eileen Jones  
Chief Administrative Judge

I concur:

  
\_\_\_\_\_  
James F. Roberts  
Deputy Chief Administrative Judge

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<sup>2</sup> Exec. Order No. 13795, 82 Fed. Reg. 20815 (Apr. 28, 2017); Sec. Order No. 3350 (May 1, 2017).

<sup>3</sup> Memorandum from Acting Director, BOEM, to Regional Director, BOEM, dated May 10, 2017.

<sup>4</sup> 43 C.F.R. § 4.407(c).

<sup>5</sup> 43 C.F.R. § 4.1.

APPEARANCES:

Ryan Steen, Esq.  
Stoel Rives LLP  
600 University Street, Suite 3600  
Seattle, WA 98101

[ryan.steen@stoel.com](mailto:ryan.steen@stoel.com)

Teri Donaldson, Esq.  
DLA Piper, LLP  
1000 Louisiana Street, Suite 2800  
Houston, TX 77002-5005

[teri.donaldson@dlapiper.com](mailto:teri.donaldson@dlapiper.com)

Pedro Melendez-Arreaga, Esq.  
Office of the Solicitor  
U.S. Department of the Interior  
1849 C Street, NW MS 5358  
Washington, DC 20240

[pedro.melendez-arrea@sol.doi.gov](mailto:pedro.melendez-arrea@sol.doi.gov)